

### **REMARKS**

Claims 18-31 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

#### **Allowed Subject Matter**

The examiner has indicated that Claims 18-23 and 31 are in condition for allowance. Accordingly, only claims 24-30 remain at issue.

#### **Prior art rejection**

Claims 24-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki, et al. (JP 10200493) and Pihl, et al. (US 6,625,458). In the Response to Arguments section at page 4 of the Office Action, the examiner states:

Claim 24 does not recite determining whether the requested content item is a first or second item by a server, or determining whether a requested content is a content item having a high or low frequency of requests.

Independent claim 24 has been amended to include the feature of a content item having a high or low frequency of requests. Iwasaki is totally silent about determining whether a requested content is a content item having high or low frequency of requests. Pihl does not provide the missing teaching.

Accordingly, it is submitted that independent claim 24, as amended, includes features missing from the cited prior art and is therefore allowable. Claims 25-30 are dependent from claim 24 and are allowable for the same reasons. Withdrawal of the 35 U.S.C. § 103 rejection of claims 24-30 is respectfully requested.

Application no. 09/889,841  
Amendment dated: November 20, 2008  
Responsive to Office Action dated: August 20, 2008

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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